

E-filed on November 30, 2006

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6 *Attorneys for the Official Committee of Equity
 7 Security Holders of USA Capital Diversified Trust
 8 Deed Fund, LLC*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

10 In re:
 11 USA COMMERCIAL MORTGAGE COMPANY,
 12 Debtor.

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

13 In re:
 14 USA CAPITAL REALTY ADVISORS, LLC,
 15 Debtor.

Chapter 11

16 In re:
 17 USA CAPITAL DIVERSIFIED TRUST DEED
 18 FUND, LLC,
 19 Debtor.

Jointly Administered Under
 Case No. BK-S-06-10725-LBR

20 In re:
 21 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 22 Debtor.

**NOTICE OF HEARING OF OMNIBUS
 OBJECTION OF THE OFFICIAL
 COMMITTEE OF EQUITY SECURITY
 HOLDERS OF USA CAPITAL
 DIVERSIFIED TRUST DEED FUND,
 LLC TO CLAIMS ON EQUITY
 MISFILED AS CREDITOR CLAIMS
 BY RALPH W. SHERER TRUST,
 CYNTHIA DEITZ, DEBRA S.
 BALLINGER, GWEN S. PATTON
 TRUST, ANDREW W. AND BETH
 MITCHELL, JEAN JACQUES
 LEBLANC, CFR, INC. DAVID R.
 AND MONICA D. FULLER TRUST,
 AND MICHAEL BAGINSKI**

23 Affects:
 24 All Debtors
 USA Commercial Mortgage Company
 USA Securities, LLC
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund, LLC
 USA First Trust Deed Fund, LLC

Date: January 3, 2007
 Time: 9:30 a.m.
 Courtroom: 1

1 TO: **RALPH W. SHERER TRUST**
2 **CYNTHIA DEITZ**
3 **DEBRA S. BALLINGER**
4 **GWEN S. PATTON TRUST**
5 **ANDREW W. AND BETH MITCHELL**
6 **JEAN JACQUES LEBLANC**
7 **CFR, INC.**
8 **DAVID R. AND MONICA D. FULLER TRUST**
9 **MICHAEL BAGINSKI**
10 **DEBTOR**
11 **ATTORNEYS FOR DEBTOR**
12 **U.S. TRUSTEE**
13 **ALL PARTIES IN INTEREST**

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18 **NOTICE IS HEREBY GIVEN** that the Official Committee of Equity Security Holders
of USA Capital Diversified Trust Deed Fund, LLC (the “Diversified Committee”) filed its
Omnibus Objection of the Official Committee of Equity Security Holders of USA Capital
Diversified Trust Deed Fund, LLC To Claims on Equity Misfiled as Creditor Claims (the
“Objection”). The Objection is based upon the grounds that the proofs of claim described on
Exhibit “1” attached hereto are claims on equity interests of debtor USA Capital Diversified
Trust Deed Fund, LLC (“Diversified Fund”) that have been erroneously filed as creditor claims
against Diversified Fund, and that Diversified Fund has no liability on account of such misfiled
claims. A copy of the Objection may be obtained at the bankruptcy court’s website at
<http://www.nvb.uscourts.gov/> or by contacting Beckley Singleton, Chtd. at (702) 385-3373.

19 Any Opposition must be filed pursuant to Local Rule 9014(d)(1).

20 Local Rule 9014(d)(1): “Oppositions to a motion must be filed and
21 service must be completed on the movant no later than fifteen (15) days
22 after the motion is served except as provided by LR 3007(b) and LR
23 9006. If the hearing has been set on less than fifteen (15) days’ notice,
24 the opposition must be filed no later than five (5) business days before
25 the hearing, unless the court orders otherwise. The opposition must set
forth all relevant facts and any relevant legal authority. An opposition
must be supported by affidavits or declarations that conform to the
provisions of subsection (c) of this rule.”

26 Please carefully review the Omnibus Objection included with this Notice, particularly
27 Exhibit 1 referenced above concerning your claim(s).

**IF ANY CREDITOR SHOULD DISAGREE WITH THE DTDF COMMITTEE'S
OBJECTION NOTED ABOVE, AND AS DISCUSSED IN THE OMNIBUS
OBJECTION, SUCH CREDITOR MUST FILE A RESPONSE TO THE OMNIBUS
OBJECTION AND SERVE IT UPON DTDF COMMITTEE'S COUNSEL NO LATER
THAN DECEMBER 26, 2006.**

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The court may *refuse to allow you to speak* at the scheduled hearing; and
 - The court may *rule against you* without formally calling the matter at the hearing.

NOTICE IS FURTHER GIVEN that the hearing on the said Objection will be held before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Blvd. South, Third Floor, Bankruptcy Courtroom No. 1, at Las Vegas, Nevada on January 3, 2007 at the hour of **9:30 a.m.**

Respectfully submitted this 30th day of November 2006.

BECKLEY SINGLETON, CHTD.

By: /s/Anne Loraditch
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2 **EXHIBIT "1"**
3 **CLAIMS ON EQUITY**

Claim No.	Claimant	Claim Amount	Proposed Disposition
104-1	Ralph W. Sherer Trust	\$193,176.95	Reclassify as proof of interest
105-1	Cynthia Deitz Aka Cynthia L. Schulte	\$264.01	Reclassify as proof of interest
106-1	Debra S. Ballinger	\$29,632.19	Reclassify as proof of interest
107-1	Gwen S. Patton Trust	\$129,027.13	Reclassify as proof of interest
108-1	Andrew W. & Beth Mitchell	\$111,444.82	Reclassify as proof of interest
109-1	Jean Jacques Leblanc	\$66,050.02	Reclassify as proof of interest
110-1	Jean-Jacques Leblanc	\$768,757.17	Reclassify as proof of interest
113-1	CFR, Inc.	\$53,917.15	Reclassify as proof of interest
114-1	David R. Fuller and Monica D. Fuller Trust	\$261,687.87	Reclassify as proof of interest
115-1	Cynthia Deitz (fka Schulte)	\$264.01	Disallow as duplicative of Claim no. 105
117-1	Michael Baginski	\$288,283	Reclassify as proof of interest